

**THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 14, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Collins. Total -- 1.
Total -- 70.

Prayer was offered by Representative Jaquet.

The Pledge of Allegiance was led by Sasha Inskeep, Page.

Approval of Journal

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 11, 2005

Mr. Speaker:

I return herewith enrolled **H 12, H 13, H 15, and H 3** which have been signed by the President.

WOOD, Secretary

Enrolled **H 12, H 13, H 15, and H 3** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 11, 2005

Mr. Speaker:

I transmit herewith **S 1078, S 1090, and S 1059** which have passed the Senate.

WOOD, Secretary

S 1078, S 1090, and S 1059 were filed for first reading.

February 11, 2005

Mr. Speaker:

I return herewith **H 10 and H 14** which have passed the Senate.

WOOD, Secretary

H 10 and H 14 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 12, HP 1, H 165, H 166, H 167, H 168, H 169, H 170, H 171, H 172, H 173, H 174, H 175, H 176, H 177, H 178, H 179, H 180, H 181, H 182, H 183, H 184, H 185, H 186, H 187, H 188, H 189, H 190, H 191, H 192, H 193, H 194, H 195, and H 196.**

FIELD(18), Chairman

HCR 12, H 188, H 189, H 190, H 191, H 192, and H 195 were referred to the Health and Welfare Committee.

H 165 and H 166 were referred to the Revenue and Taxation Committee.

H 167, H 168, H 171, H 172, H 173, H 174, and H 175 were referred to the Agricultural Affairs Committee.

H 169, H 177, H 178, H 179, H 180, H 181, H 182, H 183, H 184, H 185, H 186, H 187, H 193, and H 194 were referred to the Transportation and Defense Committee.

H 176 was referred to the Environment, Energy, and Technology Committee.

H 196 was referred to the State Affairs Committee.

HP 1 and H 170 were filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 5** to the Secretary of State at 1:05 p.m., as of this date, February 11, 2005.

FIELD(18), Chairman

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE CONCURRENT RESOLUTION NO. 13
BY BUSINESS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
REJECTING PENDING RULES OF THE DEPARTMENT OF
INSURANCE RELATING TO REBATES AND ILLEGAL
INDUCEMENTS TO OBTAINING TITLE INSURANCE
BUSINESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain pending rules of the Department of Insurance relating to rebates and illegal inducements to obtaining title insurance business are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 18.01.56, pending rules of the Department of Insurance relating to rebates and illegal inducements to obtaining title insurance business, adopted as pending rules under Docket Number 18-0156-0401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 14
BY BUSINESS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DIVISION OF BUILDING SAFETY GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain pending rules of the Division of Building Safety governing installation of heating, ventilation, and air conditioning systems are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.07.01, pending rules of the Division of Building Safety governing installation of heating, ventilation, and air conditioning systems, adopted as pending rules under Docket Number 07-0701-0402, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 15
BY REVENUE AND TAXATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE HEALTHY WELL-BEING OF IDAHOANS, AND ENCOURAGING GREATER PUBLIC AWARENESS OF THE HEALTH PROBLEMS ASSOCIATED WITH OBESITY AND THE BENEFITS OF REGULAR EXERCISE AND SOUND NUTRITION IN ENSURING WELLNESS AND LONGEVITY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, nearly 119 million American adults, 65 percent of the population, are currently overweight or obese; and

WHEREAS, the direct and indirect costs of obesity in

America are more than \$117 billion per year; and

WHEREAS, according to the American Academy of Child and Adolescent Psychiatry (AACAP), the incidence of childhood obesity in the United States has grown rapidly in recent years; and

WHEREAS, obesity due to poor diet and lack of exercise is responsible for over 300,000 deaths each year; and

WHEREAS, according to the Trust for America's Health, Idaho has the 29th highest level of adult obesity in the nation at 21.8 percent, the 29th highest overweight levels for high school students at 7.4 percent, and the 28th highest overweight levels for low-income children ages 2 through 5 at 11.6 percent; and

WHEREAS, state and federal governments have a leadership role to play in fighting the obesity epidemic through public education, improved awareness, and by setting a positive example.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourage and support proactive efforts to inform Idahoans about the long-term health benefits of good nutrition and regular exercise.

BE IT FURTHER RESOLVED that legislators support and encourage innovative awareness efforts like Regence BlueShield of Idaho's "Legislators on the Move" program that promote personal responsibility for good health and exercise.

BE IT FURTHER RESOLVED that the Idaho Legislature supports public and private initiatives to help all Idahoans attain wellness through sound nutrition and regular exercise.

HCR 13, HCR 14, and HCR 15 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 197
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO AGRICULTURAL AND FARM EQUIPMENT AND CONTRACTS; AMENDING SECTION 2823-101, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OR CREDIT FOR DEMONSTRATION OR RENTAL EQUIPMENT THAT HAS NOT BEEN RETAILED TO AN END USER, TO PROVIDE FOR REPURCHASE OF DATA PROCESSING MATERIALS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-102, IDAHO CODE, TO REVISE THE PROCEDURES AND CREDITS FOR REPURCHASE OF REPAIR PARTS, REPAIR MANUALS, SPECIALIZED REPAIR TOOLS AND SIGNAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-105, IDAHO CODE, TO PROVIDE FOR ONE HUNDRED PERCENT CURRENT NET PRICE FOR MANUALS AND REPAIR MANUALS AND REASONABLE REIMBURSEMENT FOR SERVICES PERFORMED IN CONNECTION WITH ASSEMBLY AND PREDELIVERY INSPECTIONS OF THE EQUIPMENT, TO PROVIDE VENUE FOR CAUSES OF ACTION AND TO

MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-106, IDAHO CODE, TO PROVIDE APPLICATION TO TRANSPORTATION CHARGES WHICH HAVE BEEN PAID BY THE RETAILER OR INVOICED TO THE RETAILER'S ACCOUNT, TO PROVIDE APPLICATION TO MULTIPLE PARTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-23-108, IDAHO CODE, TO INCREASE NOTICE PROVISIONS TO NINETY DAYS, TO PROVIDE FOR NOTICE REGARDING ACCESSORIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-24-102, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 28-24-103, IDAHO CODE, TO REVISE UNLAWFUL ACTS AND PRACTICES REGARDING EQUIPMENT DEALERS; AMENDING SECTION 28-24-104, IDAHO CODE, TO REVISE TIME PERIODS FOR A DEALER TO CURE A DEFICIENCY, TO PROVIDE PROCEDURES PRIOR TO THE TERMINATION OR NONRENEWAL OF A DEALER AGREEMENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING PART 1, CHAPTER 24, TITLE 28, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 28-24-104A, 28-24-104B, 28-24-104C, 28-24-104D AND 28-24-104E, IDAHO CODE, TO PROVIDE THE ESTABLISHMENT OF A NEW DEALERSHIP AND THE SUPPLIER'S DUTIES, TO PROVIDE FOR WARRANTY CLAIMS, TO PROVIDE FOR AUDIT OF WARRANTY CLAIMS, TO PROVIDE FOR ARBITRATION AND TO PROVIDE FOR SUCCESSORS IN INTEREST; AND AMENDING SECTION 28-24-105, IDAHO CODE, TO INCLUDE DATA PROCESSING SOFTWARE IN REMEDIES AND ENFORCEMENT PROVISIONS, TO PROVIDE VENUE FOR CAUSES OF ACTION AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 198
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-4003, IDAHO CODE, TO REMOVE EXEMPTION LANGUAGE REFERENCING PLANS ADMINISTERED BY COUNTIES.

HOUSE BILL NO. 199
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO PRODUCER LICENSING; AMENDING SECTION 41-1044, IDAHO CODE, TO PROVIDE THAT A BAIL AGENT WHO SURRENDERS A DEFENDANT EARLY FOR GOOD CAUSE SHALL BE ENTITLED TO SEEK RECOVERY OF ANY UNPAID PREMIUM.

HOUSE BILL NO. 200
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2606, IDAHO CODE, TO DELETE BONDING REQUIREMENTS FOR CERTIFICATION OF CONTRACTORS AND SPECIALTY CONTRACTORS AND TO PROVIDE LIABILITY INSURANCE REQUIREMENTS

FOR CERTIFICATION OF CONTRACTORS AND SPECIALTY CONTRACTORS; AND AMENDING SECTION 54-2617, IDAHO CODE, TO REQUIRE THAT CONTRACTORS AND SPECIALTY CONTRACTORS HOLDING CERTIFICATES OF COMPETENCY SHALL COMPLY WITH THE LIABILITY INSURANCE REQUIREMENTS OF CERTIFICATION UPON RENEWAL OF A CERTIFICATE.

HOUSE BILL NO. 201
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
 AN ACT

RELATING TO PROHIBITIONS AGAINST DISCRIMINATORY PRACTICES; AMENDING SECTION 67-5901, IDAHO CODE, TO INCLUDE WITHIN PURPOSES OF THE CHAPTER PROHIBITIONS AGAINST DISCRIMINATION AGAINST PERSONS WITH DISABILITIES; AMENDING SECTION 67-5902, IDAHO CODE, TO DEFINE ADDITIONAL TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5903, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS, TO PROVIDE FOR DIVERSE REPRESENTATION AMONG MEMBERS OF THE COMMISSION; AMENDING SECTION 67-5909, IDAHO CODE, TO INCLUDE DISCRIMINATION AGAINST A PERSON WITH A DISABILITY IN ACTS PROHIBITED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5910, IDAHO CODE, TO PROVIDE ADDITIONAL LIMITATIONS ON THE APPLICATION OF THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-5911, IDAHO CODE, TO PROHIBIT REPRISALS FOR TAKING ACTIONS PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 202
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
 AN ACT

RELATING TO GOVERNANCE OF SCHOOLS; AMENDING SECTION 33-512, IDAHO CODE, TO CLARIFY THAT STUDENTS MAY BE EXCLUDED FROM THE SCHOOL WHEN CERTAIN CONDITIONS APPLY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 203
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
 AN ACT

RELATING TO PIRACY; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 69, TITLE 18, IDAHO CODE, TO SET FORTH THE IDAHO ANTI-CAMCORDER PIRACY ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT PIRACY, TO PROVIDE A PENALTY, TO PROVIDE FOR IMMUNITY AND TO PROVIDE APPLICABILITY.

HOUSE BILL NO. 204

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO COURT JURISDICTION; AMENDING SECTION 19-2601, IDAHO CODE, TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES THE COURT MAY DECIDE WHETHER TO PLACE A DEFENDANT ON PROBATION OR RELEASE JURISDICTION WITHIN A REASONABLE TIME AFTER THE ONE HUNDRED EIGHTY DAY PERIOD OF RETAINED JURISDICTION HAS EXPIRED.

HOUSE BILL NO. 205

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-505, IDAHO CODE, TO PROVIDE THAT JUVENILE VIOLATORS UNDER THE AGE OF EIGHTEEN MAY BE SUBJECT TO JURISDICTION IN CERTAIN CASES.

HOUSE BILL NO. 206

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO SENIOR JUDGES; AMENDING SECTIONS 1-2005 AND 1-2221, IDAHO CODE, TO REFER TO FISCAL YEARS AND TO PROVIDE THAT PAYMENT LIMITATIONS SHALL NOT APPLY IF THE CHIEF JUSTICE OF THE SUPREME COURT DETERMINES THAT EXTENDED SERVICE BY A SENIOR JUDGE IS REQUIRED BECAUSE OF EXTRAORDINARY CIRCUMSTANCES.

HOUSE BILL NO. 207

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO THE IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM; AMENDING SECTION 1-1623, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE ISTARS TECHNOLOGY FUND MAY BE USED FOR OTHER TECHNOLOGIES THAT ASSIST IN THE EFFICIENT MANAGEMENT OF THE COURTS OR THAT IMPROVE ACCESS TO THE COURTS AND COURT RECORDS; AMENDING SECTION 31-3201, IDAHO CODE, TO INCREASE THE ISTARS TECHNOLOGY FEE; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE COURT FEES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 208

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1305, IDAHO CODE, TO INCREASE THE AMOUNT OF PROPERTY DAMAGE REQUIRED TO INITIATE A REPORT TO THE LOCAL POLICE

DEPARTMENT.

HOUSE BILL NO. 209

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO ACTIONS FOR NEGLIGENCE; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-808, IDAHO CODE, TO SET FORTH LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE THAT A PARENT OF A CHILD MAY RELEASE OR WAIVE THE CHILD'S PROSPECTIVE CLAIM FOR NEGLIGENCE AND TO LIMIT APPLICABILITY.

HOUSE BILL NO. 210

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-223, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXAMINATION AND EVALUATION OF CERTAIN PRISONERS BY PSYCHIATRISTS OR PSYCHOLOGISTS SELECTED BY THE COMMISSION OF PARDONS AND PAROLE, TO PROVIDE THAT CERTAIN REPORTS TO BE USED BY THE COMMISSION IN MAKING ANY DETERMINATION REGARDING PAROLE SHALL BE EXEMPT FROM PUBLIC DISCLOSURE, TO PROVIDE THAT CERTAIN PRISONERS SHALL BE PAROLED ON THEIR PAROLE ELIGIBLE DATE PROVIDED SPECIFIED CONDITIONS ARE MET, TO PROVIDE FOR WRITTEN FINDINGS BY THE COMMISSION UPON DENIAL OF PAROLE TO CERTAIN PRISONERS, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT RELATING TO THE TRANSITION OF PRISONERS FROM CONFINEMENT TO COMMUNITIES AND TO PROVIDE EXCEPTIONS.

HOUSE BILL NO. 211

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING CHAPTER 1, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-101E, IDAHO CODE, TO PROVIDE A PROGRAM FOR EARNED CONDUCT REDUCTION OF SENTENCE FOR CERTAIN OFFENDERS COMMITTED TO THE BOARD OF CORRECTION, TO PROVIDE CONTENTS OF THE PROGRAM, TO PROVIDE FOR A REDUCTION OF SENTENCE IF CERTAIN CIRCUMSTANCES OCCUR, TO PROVIDE PROCEDURES, TO PROVIDE APPLICATION TO EARNED TIME OR OTHER REDUCTION PROVISIONS AND TO PROVIDE APPLICATION TO THE COMMISSION FOR PARDONS AND PAROLE; AMENDING SECTION 19-2513, IDAHO CODE, TO PROVIDE FOR REDUCTION OF A UNIFIED SENTENCE FOR EARNED CONDUCT REDUCTION OF THE SENTENCE; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

HOUSE BILL NO. 212

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE OPEN MEETINGS LAW; AMENDING SECTION 67-2345, IDAHO CODE, TO PROVIDE THAT DISCUSSIONS CONDUCTED IN EXECUTIVE SESSIONS SHALL REMAIN CONFIDENTIAL AND PROVIDING EXCEPTIONS; AMENDING SECTION 67-2347, IDAHO CODE, TO INCREASE PENALTIES, TO PROVIDE DISPOSITION OF CIVIL PENALTIES AWARDED PURSUANT TO THIS SECTION AND TO ALLOW FOR REMOVAL OF ANY PUBLIC OFFICER WHO KNOWINGLY VIOLATES OPEN MEETING REQUIREMENTS.

HOUSE BILL NO. 213
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC SECURITIES OF HEALTH INSTITUTIONS; AMENDING CHAPTER 14, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1447A, IDAHO CODE, TO AUTHORIZE INTEREST RATE EXCHANGE AND OTHER HEDGE AGREEMENTS TO BE USED IN CONNECTION WITH THE INDEBTEDNESS AND LEASE OBLIGATIONS OF THE IDAHO HEALTH FACILITIES AUTHORITY AND COUNTY AND DISTRICT HOSPITALS IN THE MANNER AND UNDER THE CONDITIONS SPECIFIED.

HOUSE BILL NO. 214
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STRAY CURRENT AND VOLTAGE; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 8, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO DEFINE TERMS, TO REQUIRE THE IDAHO PUBLIC UTILITIES COMMISSION TO PROMULGATE CERTAIN RULES, TO PROVIDE FOR CLAIMS, TO REQUIRE CERTAIN NOTICES AND TO PROVIDE FOR RESPONSE BY UTILITIES, TO PROVIDE FOR THE EXCLUSIVE INITIAL JURISDICTION OF THE COMMISSION, TO SPECIFY POST-HEARING COMMISSION REQUIREMENTS, TO PROVIDE FOR COMMISSION ORDERS AND TO SPECIFY CONDITIONS RELATING TO COMMENCEMENT OF CERTAIN CIVIL ACTIONS, TO PROVIDE FOR THE APPLICATION OF COMMISSION RULES OF PRACTICE AND PROCEDURE, TO PROVIDE FOR CIVIL ACTIONS, TO PROVIDE FOR DAMAGES AND TO LIMIT CLAIMS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 215
BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-604, IDAHO CODE, TO REVISE THE DEFINITION FOR "LAND ACTIVELY DEVOTED TO AGRICULTURE" FOR PROPERTY TAX PURPOSES, TO MAKE GRAMMATICAL CHANGES AND TO DEFINE "FOR-PROFIT"; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

H 197, H 198, H 199, H 200, H 201, H 202, H 203, H 204, H 205, H 206, H 207, H 208, H 209, H 210, H 211, H 212, H 213, H 214, and H 215 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1078 and S 1090, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1059, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 84, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 59 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 59** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydaldh, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- Wood. Total -- 1.

Absent and excused -- Collins. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 59** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HCR 7 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **HCR 7** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Collins, Raybould. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HCR 7** adopted and ordered the resolution transmitted to the Senate.

H 98 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **H 98** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bilbao, Black, Block, Boe, Bradford, Edmunson, Field(18), Field(23), Henbest, Jaquet, Jones, Kemp, LeFavour, Martinez, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Rydalch, Saylor, Shepherd(2), Shirley, Smith(30), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 33.

NAYS -- Anderson, Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bolz, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Ellsworth, Eskridge, Garrett, Hart, Harwood, Henderson, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Raybould, Roberts, Sali, Schaefer, Shepherd(8), Skippen, Smith(24), Stevenson, Mr. Speaker. Total -- 36.

Absent and excused -- Collins. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 98** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

H 39 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 39** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Edmunson,

Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Harwood. Total -- 1.

Absent and excused -- Collins. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 39** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 40 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **H 40** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Hart. Total -- 1.

Absent and excused -- Collins. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 40** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 53 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McKague to open debate.

The question being, "Shall **H 53** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Lake, LeFavour, Martinez, McGeachin, McKague, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence,

Raybould, Ring, Ringo, Roberts, Rusche, Rydalc, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Edmunson, Harwood, Kemp, Loertscher, Mathews, Miller, Sali. Total -- 8.

Absent and excused -- Collins. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 53** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 216
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO TAXATION AND TO THE ENACTMENT OF THE IDAHO CORPORATE HEADQUARTERS INCENTIVE ACT OF 2005; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 29, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE AN ADDITIONAL INCOME TAX INVESTMENT CREDIT FOR CERTAIN QUALIFIED INVESTMENTS AND LIMITATIONS THEREON, TO PROVIDE AN INCOME TAX CREDIT FOR CERTAIN REAL PROPERTY IMPROVEMENTS AND LIMITATIONS THEREON, TO PROVIDE AN ADDITIONAL NEW JOBS CREDIT FOR CERTAIN EMPLOYMENT AND LIMITATIONS THEREON, TO AUTHORIZE THE STATE TAX COMMISSION TO ADOPT ADMINISTRATIVE RULES RELATING TO S CORPORATIONS, PARTNERSHIPS, ESTATES AND TRUSTS, AND RELATING TO REORGANIZATIONS, MERGERS AND LIQUIDATIONS, TO ESTABLISH LIMITATIONS, TO PERMIT SHARING OF CREDITS AMONG TAXPAYERS INCLUDED IN A COMBINED REPORT OF INCOME, TO PERMIT CARRYOVERS OF UNUSED CREDITS, TO PROVIDE FOR RECAPTURE OF INCOME TAX CREDITS IN CASE OF FAILURE TO MEET TAX INCENTIVE CRITERIA, TO PROVIDE FOR A REBATE OF SALES AND USE TAXES PAID ON QUALIFIED PROJECTS AND TO PROVIDE FOR RECAPTURE OF REFUND IN CASE OF FAILURE TO MEET TAX INCENTIVE CRITERIA, TO PROVIDE FOR A REBATE OF CERTAIN PROPERTY TAXES PAID ON QUALIFIED PROJECTS AND TO PROVIDE LIMITATIONS THEREON, TO PROVIDE FOR RECAPTURE OF THE REBATE IN CASE OF FAILURE TO MEET TAX INCENTIVE CRITERIA AND TO PROVIDE FOR ADMINISTRATION BY THE STATE TAX COMMISSION;

AMENDING SECTION 63-3067, IDAHO CODE, TO PROVIDE A CONTINUOUS APPROPRIATION OF INCOME TAX RECEIPTS TO FUND CERTAIN PROPERTY TAX REBATES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

H 216 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 15, 2005. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk